



STATE OF NEW JERSEY
Board of Public Utilities
 44 South Clinton Avenue, 9th Floor
 Post Office Box 350
 Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
 AND TELECOMMUNICATIONS

IN THE MATTER OF REQUESTS FOR AN)
 INVESTIGATION INTO THE OPERATIONS OF) ORDER ON MOTIONS TO
 ALTICE USA IN NEW JERSEY) INTERVENE OR PARTICIPATE
)
) DOCKET NO. CX21020139

Parties of Record:

- Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel**
- Elissa Grodd Schragger, Esq., Director of Law and Township Attorney, Hamilton Township**
- Ronald A. Berutti, Esq., Weiner Law Group, LLP, on behalf of the Borough of Sayreville**
- Jean L. Cipriani, Esq., Rothstein, Mandell, Strohm, Halm & Cipriani, P.A., on behalf of the Borough of Seaside Park**
- Dawn M. Sullivan, Esq., Dorsey & Semrau, on behalf of the Township of West Milford**
- Anthony R. Francioso, Esq., Fornaro Francioso LLC, on behalf of the Township of Robbinsville**
- Gerard Lederer, Esq., Best Best & Kriegler LLP, on behalf of the Township of Piscataway**
- Jean L. Cipriani, Esq., Rothstein, Mandell, Strohm, Halm & Cipriani, P.A., on behalf of the Borough of Seaside Heights**
- Fred Semrau, Esq., Dorsey & Semrau, on behalf of the Township of Montville**
- Gregory P. McGuckin, Esq., Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, on behalf of the Township of Toms River**
- Andrew Bayer, Esq., Pashman Stein Walder Hayden, PC, on behalf of the Township of Howell**

BY COMMISSONER MARY-ANNA HOLDEN:

On February 17, 2021 the New Jersey Board of Public Utilities (“Board”) found that there was sufficient cause to convene a proceeding to afford certain municipal officials and Altice USA (“Altice”) customers the opportunity to voice their concerns about the services received from Altice; and to afford Altice the opportunity to respond to these concerns before determining what corrective action may be warranted and should be taken.¹ In compliance with the Order, each of the above named parties have submitted Motions for Intervention and/or Participation in this matter (each is a “Petition”, collectively, the “Petitions”).

¹In the Matter of Requests for an Investigation into the Operations of Altice USA in New Jersey, BPU Docket No. CX21020139, Order dated February 17, 2021 (“Order”).

The Board and the Office of Cable Television and Communications (OCTV&T) have received complaints and resolutions from at least ten (10) municipalities and several state legislators concerning various issues their residents and constituents cited alleging inadequacy and lack of service provided by Altice. In the complaints, the municipal and legislative officials have requested that the Board initiate an investigation into the adequacy of service provided by Altice and seek a determination whether the company has complied with its obligations under applicable Federal and State laws, rules and regulations which set forth technical and customer service standards established for cable television providers.

Citing issues raised by their respective residents concerning frequent and lengthy service disruptions (across all services), inconsistent connections and fluctuating Internet speeds, long telephone wait times, poor customer service, and an inability to get a satisfactory response to these issues from the company both before and after the COVID-19 pandemic, the municipalities collectively maintain that Altice has failed in its duty to provide safe, adequate, and proper service to their residents. The Board and the OCTV&T have also received complaints directly from Altice customers concerning the same grievances presented by the municipalities.

MOTIONS TO INTERVENE AND PARTICIPATE

The following motions were filed in this matter:

1. Motion to Intervene filed on behalf of the Township of Robbinsville, Borough of Seaside Heights, Borough of Seaside Park;
2. Motion to Intervene and Participate filed on behalf of Hamilton Township, and Township of Montville;
3. Motion to Intervene or Participate filed on behalf of the Township of Howell; and
4. Motion to Participate filed on behalf of the Borough of Sayreville, Township of West Milford, Township of Piscataway, Township of Toms River (collectively, the "Municipalities");

Municipalities' Motion to Intervene

Hamilton Township

On February 26, 2021, the Township of Hamilton ("Hamilton" "Township") filed a Motion to Intervene and Participate. In support of its motion, the Township refers to "myriad complaints and pleas" from residents who wish to address their concerns regarding Altice's service delivery in Hamilton Township. The Township "has expended considerable resources handling the level of resident complaints" to date, and seeks a remedy from the Board that would rectify what Hamilton perceives to be an "intolerable situation."

Most Hamilton residents have only Altice to turn to for cable service. Without an alternative, the Township writes, there is no market competition, so regulatory protection is "the only hope" available to Township residents who wish to remedy the alleged failure to provide adequate service.

The Township asserts that if it is permitted to participate, the Township's addition "will not and has not caused undo delay or confusion." Hamilton states it will add constructively to the case and to the Board's understanding of the matter.

Township of Howell

On February 26, 2021, Township of Howell ("Howell") filed a Motion to Intervene or Participate in this matter. The Township has experienced voluminous customer complaints from Township residents regarding Altice's internet and cable service, as well as its customer service. These complaints were exacerbated during the COVID-19 pandemic, when most residents are working from home and attending school remotely. Residents have reported frequent and lengthy service disruptions, long telephone wait times, and unsatisfactory responses regarding same from Altice. Consequently, Howell adopted a Resolution seeking Board action.

In its filing Howell contends Altice is the only available cable provider for the majority of Howell residents. In the modern era, cable and internet services are "essential [to] everyday life for the Township's residents," many of whom rely on such services in order to attend virtual classrooms for their education, or to work. Howell petitions that without an additional market participant with a cable franchise in the municipality, the only avenue through which residents may seek relief is if the Board exercises regulatory oversight. To support its motion Howell asserts that the residents are specifically and directly affected by the outcome of this proceeding.

Township of Montville

On February 26, 2021, the Township of Montville ("Montville") filed a Motion to Intervene and Participate. Montville references its November 17, 2020 letter to Board President Joseph L. Fiordaliso, which was part of the record upon which the Board issued its February 17, 2021 Order (the "February 17 Order") directing that a hearing be held on the instant matter.

In support of its motion Montville noted they have "received numerous complaints and pleas for assistance from Montville's residents" in connection with Altice's service delivery. In addition, because Altice "has a veritable monopoly on [internet service] . . . its good service, or lack thereof, is of special concern particularly in the pandemic when so many [Montville] residents are working and attending school from home via internet."

Montville has compiled the many complaints it has received, and expended considerable resources, and asserts that its municipal officers and governing body members are well suited to represent the interests of all Montville residents who have "differing but overall similar complaints" regarding Altice in this matter. Montville affirms that it was one of the first parties to petition the Board with complaints in this matter, and that its participation will not cause undue delay or confusion.

Township of Robbinsville

On February 26, 2021, the Township of Robbinsville filed a Motion to Intervene in this matter. Through counsel, Robbinsville notes that Altice USA was the subject of complaints filed with the Board "alleging inadequacy and lack of service." Robbinsville notes its prior "request for investigation" of Altice's operations within the State of New Jersey, and asserts that it is "entitled by statute to Intervene alone or jointly with another municipality."

Borough of Seaside Heights

On February 26, 2021, Borough of Seaside Heights (“Seaside Heights”) filed a Motion to Intervene. Seaside Heights’ Borough Council and Borough cite employees have received numerous complaints from residents regarding Altice’s service delivery within the Borough. Complaints submitted concern “lengthy service disruptions, inconsistent and increasing charges for services and equipment, unpredictable connections, fluctuating and unreliable internet speeds, inadequate and sometimes non-responsive customer service.”

Indicative of the level of dissatisfaction with Altice’s service delivery in Seaside Heights, on August 19, 2020 the Borough Council formed an Advisory Committee for the improvement of cable and internet services. This committee was established in an attempt to resolve the issues residents complained of, and to research options for improved broadband capacity in the Borough.

Seaside Heights supports its motion stating the need to represent the interests of the Borough due to the significant issues that have impacted service provided to its residents by Altice.

Borough of Seaside Park

On February 26, 2021, Borough of Seaside Park (“Seaside Park”) filed a Motion to Intervene. Seaside Park seeks intervenor status in this matter because its municipal governing body and employees “have received numerous complaints from residents concerning the services provided by Altice USA, Inc.” Seaside Park contends these complaints are voluminous and that the Borough “added a link to its website” for residents to more easily register complaints regarding Altice’s service.

The complaints received and issues raised by Seaside Park include but are not limited to alleged delays in service appointments, non-responsive customer service, fluctuating and unreliable internet access, insufficient customer service, and confusing or inaccurate billing practices for seasonal services. In its Motion, the Borough attaches an exhibit in support of its claims regarding residents’ complaints concerning Altice. Seaside Park contends Altice has breached its duty to provide safe, adequate and proper service. In consideration of the foregoing, the Borough of Seaside Park requests intervenor status in this matter.

Municipalities’ Motion to Participate

Borough of Sayreville

On February 26, 2021, Borough of Sayreville (“Sayreville”) filed a Motion to Participate, stating that the Borough has a “[s]ignificant [i]nterest in the [o]utcome of this [c]ase,” and noting that the Board “specifically instituted this proceeding in order to . . . ‘afford [] municipal officials [an opportunity] to voice their concerns.’” Altice is one of only two providers of cable and internet services with franchises permitting it to operate within Sayreville.

Sayreville contends the complaints received concern poor network connection, internet speeds, long hold times for customer service, incorrect invoices, service technicians with the inability to fix problems, prices, service interruptions as well as others.

In its motion, Sayreville asserts that it has received numerous complaints from residents regarding Altice's service delivery within the municipality to the point that the Borough's resources are "overwhelmed." Sayreville has had to dedicate "significant municipal resources" to address concerns that have been brought to its attention. Sayreville states the pandemic has exacerbated the problems with Altice. Their inability to provide adequate service has interfered with the education of school children and the ability of residents to work.

Sayreville argues that it is best positioned to consider and advocate for the most equitable and fair remedy for its residence with respect to this matter, that its request to participate comes at the onset of the case, and that it will work cooperatively with any other municipal parties to eliminate redundancy. Considering the foregoing, Sayreville argues, its participation is not likely to cause confusion or undue delay.

Township of West Milford

On February 26, 2021, Township of West Milford ("West Milford" "Township") filed a Motion to Participate. Altice USA is the sole internet and cable television services provider in the Township. The Township claims that it frequently receives complaints from residents regarding "poor internet service and poor customer service." Among the complaints the Township cites are slow internet upload and download speeds, poor network connections, hours-long hold times for customer service, inaccurate billing, and frequent service disruptions.

Since Altice is the only internet service provider in West Milford, the Township's residents must purchase internet services from Altice if they are to enjoy the benefits of modern life, including, for example, remote schooling and work during the public health emergency caused by the COVID-19 pandemic. The Township claims that it is "overwhelmed" by complaints about Altice's service provision, and that substantial municipal resources have been dedicated to address residents' concerns.

The Township asserts that it is best positioned to explain the collective impact of Altice's allegedly inadequate service delivery on behalf of its residents. Additionally, the Township is better positioned than any individual resident to contribute constructively in this matter on behalf of Altice customers in the municipality. The Township's notes that its request to participate comes at the onset of the case, and that it will work cooperatively with any other municipal parties to eliminate redundancy. West Milford states that its participation is not likely to cause confusion or undue delay.

Township of Piscataway

On February 26, 2021, Township of Piscataway ("Piscataway") filed a Motion to Participate in this matter. Piscataway's residents and governing body are "concerned that Altice has failed in its duty under N.J.S.A. 48:5A-36, to provide safe, adequate and proper service, equipment and facilities for the operation of its cable television system." Specifically, Piscataway details its difficulty in addressing a high number of complaints about Altice directed to the Township's attention. In light of the public health emergency caused by the COVID-19 pandemic, many children in the Township attend school remotely, while many adult residents work from home. The inadequate service and multiple outages experienced by residents and long wait times are issues for consideration. According to Piscataway, Altice has been unable to consistently provide adequate service, or to provide redress for the concerns and complaints of the Township's residents. Based on its motion Piscataway states that it has a significant interest in the outcome of this proceeding and will not confuse or delay the matter and will add constructively to the case.

Township of Toms River

On February 26, 2021, Township of Toms River filed a Motion to Participate, citing its contract with Altice to provide cable and internet services to residents of the Township of Toms River located on the barrier island section of the Township. Prior to and during the COVID-19 pandemic, residents of the Township of Toms River who are provided cable and internet service by Altice “constantly complained about the inadequate service provided” by the company. Since the onset of the COVID-19 pandemic, the nature of the complaints has continued to include “interrupted service [and] slow internet speeds” among other concerns. Although Toms River was not an initial party who sought review of Altice’s service delivery, the Township continues to expend considerable effort seeking relief for its residents in connection with the shortcomings identified in its motion.

DISCUSSION AND FINDINGS

Motions to Intervene or Participate

In ruling on a motion to intervene, N.J.A.C. 1:1-16.3(a) requires that the decision-maker consider the following factors:

1. The nature and extent of the moving party's interest in the outcome of the case;
2. Whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
3. The prospect for confusion and delay arising from inclusion of the party; and
4. Other appropriate matters.

If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant," if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. Under N.J.A.C. 1:1-16.6(c), such participation is limited to the right to argue orally, file a statement or brief, file exceptions, or all of these as determined by the trier of fact.

As the Board stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record, which involves consideration of a diversity of interests, must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring that an interveners’ interest be specific, direct and different from that of the other parties so as to add measurably and constructively to the scope of the case. See In the Matter of the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, BPU Docket No. EM05020106, Order dated June 8, 2005.

After consideration of the papers submitted and given no objections were filed, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.3 the Townships of Robbinsville, Hamilton, Montville, and Howell, and the Boroughs of Seaside Heights and Seaside Park have satisfied the legal requirements to warrant intervention. As such, I **HEREBY FIND** that the Townships of Robbinsville, Hamilton, Montville, and Howell, and the Boroughs of Seaside Heights and Seaside Park will be directly affected by the outcome of this proceeding, and I **HEREBY GRANT** the Motions for Intervention

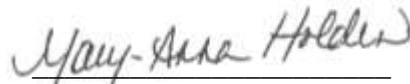
of the Townships of Robbinsville, Hamilton, Montville, and Howell, and the Boroughs of Seaside Heights and Seaside Park pursuant to the authority granted to me by the Board under the February 17, 2021 Order.

With regard to the Motions to Participate filed by the Townships of West Milford, Piscataway, and Toms River, and the Borough of Sayreville I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.6(b), that the Townships of West Milford, Piscataway, and Toms River, and the Borough of Sayreville have met the standards for participation. Accordingly, I **HEREBY GRANT** the Motions to Participate of Townships of West Milford, Piscataway, and Toms River, and the Borough of Sayreville, pursuant to the authority granted to me by the Board under the February 17, 2021 Order.

This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED: March 15, 2021

BY:



MARY-ANNA HOLDEN
COMMISSIONER

**IN THE MATTER OF REQUESTS FOR AN INVESTIGATION INTO THE OPERATIONS OF
ALTICE USA IN NEW JERSEY**

BPU DOCKET NO. CX21020139

SERVICE LIST

Jessica Morales
Municipal Clerk
Borough of Sayreville
167 Main Street
Sayreville, NJ 08872
jessica@sayreville.com

Honorable Ronald S. Dancer
Assemblyman – 12th District
405 Route 539 Cream Ridge, NJ 08514
asmdancer@njleg.org

Allison Ciranni
Township Clerk
Township of Howg
4567 Route 9 North
P.O. Box 580
Howell, NJ 07731-0580
aciranni@twp.howell.nj.us

Gregory McGuckin, Esq.
On behalf of the Township of Toms River
Dasti, Murphy, McGuckin, Ulaky, Koutsouris and
Connors
620 West Lacey Road
Forked River, NJ 08731
gmcguckin@dmmlawfirm.com

Janice Kisty
Township Clerk
Township of Jackson
95 W. Veterans Highway
Jackson, NJ 08527
jkisty@jacksontwpnj.net

Honorable Brian C. Wahler
Mayor
Township of Piscataway
Municipal Complex
455 Hoes Lane
Piscataway, NJ 08854
bwahler@piscatawaynj.org

Jean L. Cipriani, Esq.
On behalf of the Borough of Seaside Park
Rothstein, Mandell, Strohm, Halm & Cipriani, P.A.
150 Airport Road, Suite 600
Lakewood, New Jersey 07801
JCipriani@rmshc.law

Christopher Vaz
Borough Administrator
Borough of Seaside Heights
901 Boulevard
Seaside Heights, NJ 08751
Administrator@seaside-heightsnj.org

Fred Semrau, Esq.
On behalf of the Township of Montville
Dorsey & Semrau
714 Main Street, P.O. Box 228
Boonton, NJ 07005
fsemrau@dorseysemrau.com

Elissa Grodd Schragger, Esq.
Director, Hamilton Township Department of Law
2090 Greenwood Avenue
Post Office Box 00150
Hamilton, NJ 08650-0150
eschragger@hamiltonnj.com

Anthony R. Francioso, Esq.
On behalf of the Township of Robbinsville
Fornaro Francioso LLC
1540 Kuser Road, Suite A1
Hamilton, NJ 08619-3828
afrancioso@fornarofrancioso.com

Dawn M. Sullivan, Esq.
On behalf of the Township of West Milford
Dorsey & Semrau
714 Main Street, P.O. Box 228
Boonton, NJ 07005

Gerard Lederer, Esq.
On behalf of the Township of Piscataway
Best Best & Kriegler
1800 K Street N.W., Suite 725
Washington, DC 20006

Andrew Bayer, Esq.
On behalf of the Township of Howell
Pashman Stein Walder Hayden, PC
Bell Works
101 Crawford's Corner Road, Suite 4202
Holmdel, NJ 07733
abayer@pashmanstein.com

Ronald H. Gordon, Esq.
Rainone Coughlin Minchello
555 U.S. Highway One South, Suite 440
Iselin, NJ 08830
RGordon@NJRCMLaw.com

Honorable Patrick N. Bocchio
Mayor
Township of Green Brook
111 Greenbrook Road
Green Brook, NJ 08812-2501
pboccio@greenbrooktwp.org

Honorable Jason F. Cilento
Mayor
Borough of Dunellen
355 North Avenue
Dunellen, NJ 08812
jcilento@dunellen-nj.gov

New Jersey Division of Rate Counsel

140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003

Stefanie A. Brand, Esq., Director
sbrand@rpa.nj.gov

Maria Novas-Ruiz, Esq.
Mnovas-ruiz@rpa.nj.gov

Altice USA

Marilyn D. Davis
Area Director, Government Affairs
Altice USA
494 Broad Street, 9th Floor
Newark, New Jersey 07102
Marilyn.Davis16@AlticeUSA.com

Paul Jamieson
Vice President, Government Affairs and Policy
Altice USA
1 Court Square West, 49th Fl
Long Island City, NY 11101
paul.jamieson@AlticeUSA.com

Board of Public Utilities

44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Paul E. Flanagan, Esq.
Executive Director
paul.flanagan@bpu.nj.gov

Robert Brabston, Esq.
Deputy Executive Director
robert.brabston@bpu.nj.gov

Office of Cable Television and Telecommunications
Lawanda R. Gilbert, Director
lawanda.gilbert@bpu.nj.gov

William H. Furlong, Bureau Chief
william.furlong@bpu.nj.gov

Amy Drummond, Admin. Analyst 4
amy.drummond@bpu.nj.gov

Office of the Chief Counsel

Carol Artale, Esq.
Deputy General Counsel
carol.artale@bpu.nj.gov

Division of Law

Department of Law and Public Safety
Richard J. Hughes Justice Complex
25 Market Street
P.O. Box 112
Trenton, NJ 08625

Pamela Owen, Esq.
ASC, DAG
pamela.owen@law.njoag.gov

Meliha Arnautovic, Esq.
DAG
meliha.arnautovic@law.njoag.gov